



# Wylie City Council

---

## Minutes

### Wylie City Council Meeting

Tuesday, January 25, 2011 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

---

### CALL TO ORDER

*Announce the presence of a Quorum.*

Mayor Eric Hogue called the meeting to order at 6:00 p.m. with the following Wylie City Council members present: Mayor Pro Tem Red Byboth, Councilwoman Kathy Spillyards, Councilman Carter Porter, Councilman Rick White, Councilman Bennie Jones and Councilman David Goss.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Jeff Butters; Planning Director, Renae' Ollie; Fire Chief, Randy Corbin; Finance Director, Linda Bantz; Police Chief, John Duscio; City Engineer, Chris Holsted; WEDC Executive Director, Sam Satterwhite; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly, and various support staff.

---

### INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Byboth gave the invocation. Boy Scout Troop #78, approaching their 1<sup>st</sup> Anniversary as a troop, presented the colors and led the Pledge of Allegiance. Scouts present included Dan Barnhart, Austin Byboth, Daniel Fox, Samuel Gagnon-Hartman, Nathan Palmer, Gavin Pugh and Cailin Stewart. Troop leaders present included: Pack Leader Brenda Byboth, Assistant Leader Scott Stewart, and Assistant Leader Jason Palmer.

---

### PRESENTATION

- **Presentation of 3rd 6 Weeks Star Students - Caring** (*E. Hogue, Mayor*)

Mayor Hogue and Mayor Pro Tem Byboth presented medallions to students demonstrating the character trait of "Caring." Each six weeks one student from each WISD campus is chosen as the "star student."

- **Presentation honoring Ruby Rodriguez for knowing when to call 911, how to call 911, and what to say when calling 911 in an emergency.** (*Allyson Frederick, Operations Supervisor, & Tristian Whittle, Public Safety Dispatcher*)

Members of Wylie Fire Rescue and Wylie Public Safety Dispatch presented an award to Rudy Rodriguez, 9 years old, for knowing to call 911 when her grandmother was ill. Rudy remained calm, level headed, and answered the dispatcher's questions appropriately, going so far as to

give physician instructions that the dispatcher was able to help with. Red E. Fox is proud to honor Ruby with this award for knowing how, when and what to say when calling 911.

- **Presentation of the 2010 Wylie Economic Development Corporation Annual Report.** (*S. Satterwhite, WEDC Executive Director*)

WEDC Director, Sam Satterwhite, presented to the Council a required annual report outlining the prior year financial activities, direct and indirect economic development initiatives, as well as goals and objectives for 2011. Satterwhite reported that sales tax receipts have increased over 2009 by 3.5% resulting in total collections of \$1,343,749. The WEDC also had \$1,974 in interest earnings and \$63,747 in income from the lease of WEDC facilities. Further, the WEDC ended the FY 2009 - 2010 year with a \$748,334 fund balance.

A summary of activity within the Target-anchored Woodbridge Crossing was provided with sales taxes generated in FY 2009 – 2010 to the WEDC in the amount of \$130,489. Satterwhite commented that while \$110,916 was reimbursed to Direct Development from the WEDC via an existing Performance Agreement, the 4B Corporation and property taxes are unencumbered by the incentive agreement with Direct.

Satterwhite summarized WEDC expenditures as follows: \$533,574 on grants and engineering services directly attributed to incentive packages, \$26,171 on the purchase of real property, \$234,015 on personnel services, \$76,548 on marketing and promotion, \$43,316 on special services (property maintenance), and debt service of \$414,786.

It was reported that the WEDC currently owns 30.12 acres of property with a cost basis of \$2,836,595. WEDC debt service associated primarily with the purchase of the above property has a principal balance of \$830,972 as of November 30, 2010.

While reporting on retail activity within 2010, Satterwhite indicated that construction began on Kohl's (64,000 sq. ft.), PetSmart (18,003 sq. ft.), and Dollar Tree (10,000 sq. ft.). It was indicated that upon completion of the three projects, Direct Development will be in compliance with the Performance Agreement through September 1, 2012. There currently exists 314,652 square feet (including Kohl's, etc.). Satterwhite also indicated that the WEDC and City representatives will continue to make attendance at the International Council of Shopping Centers Conference a priority in an effort to attract retailers to Wylie.

In what was reported as 'High-Impact Initiatives', Satterwhite summarized agreements with Sanden International and Ascend Custom Extrusion which total up to \$730,000 in performance based incentives. Also as part of the Ascend project, Satterwhite reported that the WEDC is currently constructing a 96,000 square foot industrial facility which will be leased to Ascend.

2011 Goals & Objectives were identified as the following: manage and oversee the construction of the Ascend facility which is to be completed by May 31, 2011, enter into a public/private partnership to provide additional parking in downtown Wylie, market 3.2 acres of WEDC owned industrial property for development, finalize negotiations with the City Council for the acquisition and development of 19 acres of commercial property owned by the City of Wylie, prepare for the development of property owned by the Kansas City Southern Railway Company on State Highway 78, and finally to complete an inventory of industrial property with the City of Wylie and its ETJ.

- **Presentation of the Comprehensive Annual Financial Report for FY 2009-2010.** (*L. Bantz, Finance Director*)

John DeBurro representing the audit firm of Weaver L.L.P. presented the FY 2009-2010 Comprehensive Annual Financial Report. Mr. DeBurro stated that he was pleased to report a "clean unqualified opinion" for the reporting period. He explained that this opinion means that the financial statements were presented fairly, in all material respects, the financial activities of the government's activities. This is the highest opinion obtainable.

Mr. DeBurro reported that there were no problems dealing with management in performing and completing the audit. He explained that staff had done a great job in both reporting and assisting the firm with the audit.

Some of the highlights presented included the general fund, utility fund, and special fund balances for the reporting period. He reported the net assets for the city had increased by \$7,389,071 due to tax revenue and County funding for road construction projects. Actual revenues for the year were in excess of expenditures by \$838,418 due to savings in department's budgets.

The mayor thanked Mr. DeBurro for his work and commended the finance staff for their outstanding work.

### **CITIZENS COMMENTS ON NON-AGENDA ITEMS**

---

*Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to three (3) minutes. In addition, Council is not allowed to converse, deliberate or takes action on any matter presented during citizen participation.*

Pastor Rick Wood, representing the Pursuit Christian Fellowship, 9601 Terence Dr., Rowlett, Texas, addressed council stating the Christian organization was sponsoring five passes for children to the Wylie Recreation Center.

Myrna Whitworth, residing at 1404 Summerdale Lane, Wylie, Texas, addressed council stating that the new Wylie Recreation Facility fees were too high for larger family memberships.

### **CONSENT AGENDA**

---

*All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

- A. **Consider, and act upon, approval of the Minutes of the January 11, 2011 Regular Meeting of the Wylie City Council.** (C. Ehrlich, City Secretary)
- B. **Consider, and place on file the City of Wylie Monthly Revenue and Expenditure Reports as of December 31, 2010.** (L. Bantz, Finance Director)
- C. **Consider, and place on file the City of Wylie Quarterly Investment Report for December 31, 2010.** (L. Bantz, Finance Director)
- D. **Consider, and place on file, the monthly Revenue and Expense Report for the Wylie Economic Development Corporation as of December 31, 2010.** (S. Satterwhite, WEDC Executive Director)

- E. Consider, and act upon, approval of a Final Plat for Birmingham Elementary School, Block A, Lot 1 on 14.749 gross acres, generally located north of W. Brown Street and approximately 704 feet east of Westgate Way (700 W. Brown Street). (R. Ollie, Planning Director)
- F. Consider, and act upon, approval of a Final Plat for Hartman Elementary School, Block A, Lot 1 on 8.201 gross acres, generally located north of W. Kirby Street and east of S. Birmingham Street (501 S. Birmingham Street). (R. Ollie, Planning Director)
- G. Consider, and act upon, approval of a Final Plat for Waterbrook Bible Fellowship, a Worship Facility located on 4.613 acres at 507 Thomas Street. (R. Ollie, Planning Director)
- H. Consider, and act upon, Ordinance No. 2011-02, amending Zoning Ordinance 2006-04, Article 5, Section 5.1.J (Accessory Uses); allowing for and providing certain safeguards relating to Home Occupations. ZC2010-04 (R. Ollie, Planning Director)

### **Council Action**

A motion was made by Councilman White, seconded by Councilman Porter to approve the consent agenda as presented. A vote was taken and the motion passed 7-0.

## **REGULAR AGENDA**

---

### **General Business**

- 1. Consider, and act upon, Ordinance No. 2011-03 establishing speed zones for FM 2514 (Ballard Ave) from Brown Street to SH 78. (C. Holsted, City Engineer)

### **Staff/Council Comments**

City Engineer Holsted addressed council stating that business owners in the downtown area have expressed a concern over the speed of the vehicles traveling on Ballard Ave. from Brown Street to SH 78. On June 1, 2010 the City submitted a speed zone study to TxDOT for this portion of roadway. The study recommended the speed be reduced to 25 miles per hour.

He explained there had been conversations with TxDOT regarding the city taking over ownership of that roadway to which TxDOT had no objections should the city decide to do so. Mayor Hogue asked Police Chief if the meter showing the speed of vehicles could be installed downtown, once the speed limit was lowered. Chief Duscio replied that the department could do so. Mayor Pro Tem Byboth and Councilman Porter commended staff for their efforts in providing this lower speed limit which had been a large concern to the downtown merchants.

Councilman Porter stated he would like to see staff bring back additional information regarding city ownership of Ballard Street from Brown Street to SH 78.

### **Council Action**

A motion was made by Councilwoman Spillyards, seconded by Mayor Pro Tem Byboth to adopt Ordinance No. 2011-03 establishing speed zones for FM 2514 (Ballard Ave.) from Brown Street to SH 78. A vote was taken and the motion passed 7-0.

2. **Consider and act upon approval of a Professional Engineering Services Agreement with Birkhoff, Hendricks, and Carter, L.L.P. for the design of FM 1378 from South Parker Road to North Parker Road in the amount of \$231,600; and authorize the City Manager to execute the agreement. (C. Holsted, City Engineer)**

#### **Staff/Council Comments**

City Engineer Holsted addressed council stating the current construction of FM 1378 terminates at the southern Parker Road intersection. The Texas Department of Transportation and Collin County are working on the Parker Road improvements from FM 2551 to FM 1378. The TxDOT project includes the realignment of the Parker Road intersection to the north but does not include improvements to FM 1378. On October 26, 2010 Council approved an Inter-Local Agreement with Collin County for engineering services for FM 1378.

Holsted explained that the agreement specifies that the County will participate in the engineering of the project in the amount of \$100,000 and it was approved by the Collin County Commissioners' Court on December 13, 2010. Staff recommends using some remaining 1999 bond funds for the remaining funding.

Mr. Holsted commended Councilman Goss for his diligent work with Collin County to secure additional county funds for this engineering project.

#### **Council Action**

A motion was made by Mayor Pro Tem Byboth, seconded by Councilman Goss to approve a Professional Engineering Services Agreement with Birkhoff, Hendricks, and Carter, L.L.P. for the design of FM 1378 from South Parker Road to North Parker Road in the amount of \$231,600; and authorize the City Manager to execute the agreement. A vote was taken and the motion passed 7-0.

#### **READING OF ORDINANCES**

---

*Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.*

City Secretary Ehrlich read the captions to Ordinances 2011-02 and 2011-03 into the official records.

Mayor Hogue convened into Executive Session, reading the caption below at 7:25 p.m.

#### **EXECUTIVE SESSION**

---

*Recess into Closed Session in compliance with Section 551.001, et.seq. Texas Government Code, to wit:*

#### **§§ 551.074 Personnel Matters; Closed Meeting**

- **To deliberate the Evaluation of the City Manager**

Mayor Hogue reconvened into Regular Session at 11:35 p.m.

#### **RECONVENE INTO REGULAR SESSION**

---

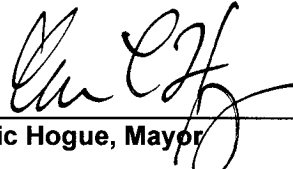
*Take any action as a result from Executive Session.*

No Action was taken as a result of Executive Session.

## ADJOURNMENT

---

With no further business before the Wylie City Council, a motion was made by Councilman Jones, seconded by Councilman Goss to adjourn the meeting at 11:38 p.m. A vote was taken and the motion passed unanimously.

  
Eric Hogue, Mayor

ATTEST:

  
Carole Ehrlich, City Secretary

